

REMARKS/ARGUMENTS

Claims 1-24 are pending in the application. The Applicants hereby request further examination and reconsideration of the application in view of these remarks/arguments.

On page 2 of the office action, the Examiner provisionally rejected claims 1, 3-11, 13-21, and 23 under obviousness-type double patenting as being unpatentable over claims 1, 3-4, 6-7, 11, 13-14, 21, and 23 of co-pending Application No. 10/782,231.

Claims 2, 12, and 22:

In the Office Action Summary, claims 2, 12, and 22 are indicated as "objected to." However, this objection is not explained at all in the body of the office action. The Applicants respectfully request an explanation of the objection and its grounds to enable the Applicants to appropriately address the objection.

Claim 24:

Claim 24 is not mentioned in the office action at all. In fact, the Office Action Summary mistakenly states that "Claims 1-23 is/are pending in the application." In response, the Applicants note that the application was originally filed with 24 claims, and no claims had been canceled by the amendment of 03/22/2007. It therefore follows that the omission of claim 24 from the office action of 05/03/2007 is improper.

Double Patenting Rejection:

The obviousness-type double patenting rejection is the only rejection remaining in the present application. The filing date of the present application is 12/08/2003. The filing date of co-pending Application No. 10/782,231 is 02/19/2004.

MPEP § 804(I)(B)(1) provides that:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.

The Applicants therefore request that the obviousness-type double patenting rejection in the present application be withdrawn in accordance with MPEP § 804(I)(B)(1).

In view of the above remarks/arguments, the Applicant believes that all pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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